

REMARKS

Upon entry of the instant Amendment and Response, claims 69, 70 and 72 are pending in the above-referenced application. Claims 1, 46-47, 54-58 and 71 are being cancelled.

Applicants note that the computer readable form of the Sequence Listing filed July 10, 2002 (Paper No. 27), has placed the above-referenced application in compliance with the Sequence Rules.

I. Amendments to the Specification

As requested by the Examiner, the specification has been amended to update the relationship and status of the priority documents.

The specification has also been amended to correct minor clerical errors. Support for the amendments can be found throughout the application as filed and specifically at page 8, lines 8-36; page 9, line 1-38; and page 10, lines 1-10. It is submitted that no new matter has been added.

II. Amendments to the Drawings

The legend in Figure 17 has been amended to correct minor clerical errors. Support for the amendments can be found throughout the application as filed and specifically at page 8, lines 8-36; page 9, line 1-38; and page 10, lines 1-10. It is submitted that no new matter has been added.

14

III. Rejections under 35 U.S.C. § 112 first paragraph

Claims 1, 46-47 and 56-58 stand rejected under 35 U.S.C. § 112, first paragraph for allegedly lacking written description encompassing “a ligand which binds the accessory molecule CD9” (Office Action, pages 2 and 3, paragraph 5). Without acquiescing to the propriety of the rejection and solely in an effort to expedite the prosecution of the instant application, Applicants have cancelled claims 1, 46-47 and 56-58 without prejudice. With this amendment, the grounds for this rejection have been overcome.

Claims 1, 46-47 and 56-58 stand rejected under 35 U.S.C. § 112, first paragraph for allegedly not providing enablement for “any CD9-specific ligand” (Office Action, page 5, paragraph 6). Without acquiescing to the propriety of the rejection and solely in an effort to expedite the prosecution of the instant application, Applicants have cancelled claims 1, 46-47 and 56-58 without prejudice. With this amendment, the grounds for this rejection have been overcome. Therefore, Applicants respectfully request that this rejection be withdrawn.

IV. Rejection under 35 U.S.C. § 112 second paragraph

Claims 1, 46-47 and 54-58 stand rejected under 35 U.S.C. § 112, second paragraph for being indefinite in that they purportedly appear to omit essential steps amounting to a gap between the steps of activation and stimulation (Office Action, page 7, paragraph 7). Without acquiescing to the propriety of the rejection and solely in an effort to expedite the prosecution of the instant application, Applicants have cancelled claims 1, 46-47 and 54-58 without prejudice. With this amendment, the grounds for this rejection have been overcome and Applicants request that the rejection be withdrawn.

V. Rejection under the doctrine of obviousness-type double patenting

Claims 1, 46-47, 54-58 and 69-72 stand rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 5,858,358 (Office Action, page 7, paragraph 8). As stated above, Applicants have cancelled claims 1, 46-47 and 54-58. Because pending claims 69-72 have been deemed to be free of the art, other than the obviousness-type double patenting rejection set forth in Paper No. 28, Applicants have filed herewith a Terminal Disclaimer to overcome this ground for rejection. With the current amendment to the claims and the filing of the Terminal Disclaimer, Applicants respectfully contend that all the Examiner's rejections have been overcome.

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VI. Conclusion


Applicants believe that all of the outstanding rejections of record have been overcome by amendment and/or argument. Accordingly, the claims are now believed to be in condition for allowance. Applicants respectfully request that the Examiner issue a timely Notice of Allowance.

No fees are believed to be due in connection with this correspondence. However, if one is due, please charge any payments due to our Deposit Account No. 08-0219.

The Examiner is invited to telephone the undersigned at the telephone number given below in order to expedite the prosecution of the instant application.

Respectfully submitted,

Dated: May 13, 2003


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